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October 19, 2012

**VIA ELECTRONIC FILING**

Honorable Peter G. Sheridan, U.S.D.J.  
United States District Court  
District of New Jersey  
Clarkson S. Fisher Building & U.S. Courthouse  
402 East State Street  
Room 4E  
Trenton, New Jersey 08608

**Re: John Telliho v. East Windsor Township, et al.  
Civil Action No.: 3:12-cv-4800-PGS-LHG**

**Sandra Darocha v. City of Linden,  
American Traffic Solutions, Inc.,  
www.violationinfo.com, et al.  
Civil Action No.: 2:12-cv-05235-SDW-MCA**

and

**Richard Pinto, Tisa L. Hauselt, and Michael G. Maluchnik v.  
City of Linden and American Traffic Solutions  
Civil Action No.: 2:12-cv-05463-WJM-MF  
Our File No. 13653-0007**

Dear Judge Sheridan:

By way of introduction, we are counsel to the City of Linden ("Linden") in Sandra Darocha v. City of Linden, American Traffic Solutions, Inc., www.violationinfo.com, et al., Civil Action No.: 2:12-cv-05235-SDW-MCA (the "Darocha Lawsuit"). Linden is in

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receipt of the Township of Woodbridge's ("Woodbridge") brief in response to the Motions to Consolidate eleven civil actions filed by American Traffic Solutions, Inc. ("ATS") and Redflex Traffic Systems, Inc. ("Redflex") and docketed under the Telliho v. East Windsor Twp., et al. matter. Please accept this letter joining Woodbridge's opposition to ATS and Redflex's motion to consolidate.

We are also counsel to Linden in another Red Light Camera program class action lawsuit, Richard Pinto, Tisa L. Hauselt, and Michael G. Maluchnik v. City of Linden and American Traffic Solutions, Civil Action No.: 2:12-cv-05463-WJM-MF (the "Pinto Lawsuit") that is not part of the pending motions to consolidate, but has import to Linden's position in the motion pending before Your Honor.

Linden joins in Woodbridge's Brief requesting that ATS and Redflex's motions for consolidation be denied. To avoid redundancy, we will limit our response to the unique situation that Linden encounters in these Red Light Camera lawsuits to further support Woodbridge's position that the eleven lawsuits that are the subject of ATS and Redflex's motions are not identical. Moreover, the Pinto lawsuit filed against Linden has not been included in the motions to consolidate; however, it is yet another lawsuit filed in the Federal District Court of New Jersey involving the Red Light Camera program. We initially agree with Woodbridge that the eleven lawsuits that are the subject of ATS and Redflex's motions, along with the Pinto Lawsuit, should be coordinated by a single judge, but caution that it may not be suitable for the Linden matters as discussed infra.

**Darocha Lawsuit.** Sandra Darocha ("Darocha") filed a Class Action Complaint and Jury Demand against the City, ATS, and WWW.VIOLATIONSINFO.COM on July 11, 2012 in New Jersey Superior Court. ATS removed the state court action to the United States District Court on August 21, 2012. Darocha filed a motion to remand this matter back to the Superior Court of New Jersey citing the "Home State," "Local Controversy," and "Interests of Justice" exceptions to 28 U.S.C. §§ 1332(d) ("CAFA"). Linden and ATS filed their opposition briefs on October 1, 2012 with Darocha replying on October 9, 2012. Darocha's motion is returnable on November 7, 2012 before the Honorable Madeline Cox Arleo, U.S.M.J. Depending upon Judge Arleo's ruling, the Darocha lawsuit may not be ripe for either consolidation or coordination.

**Pinto Lawsuit.** Linden was served with yet another class action lawsuit filed by Richard Pinto, Tisa L. Hauselt, and Michael G. Maluchnik, individually and on behalf of a putative class in United States District Court on August 31, 2012 regarding Linden's Red Light Camera program. The fact pattern and gravamen of the Pinto Lawsuit are almost identical to the Complaint in the Darocha Lawsuit, although somewhat more detailed. The City and ATS served their Answer on Wednesday. Depending upon the Court's ruling on Darocha's motion to remand, the City intends to move to consolidate the Darocha and Pinto lawsuits **only**.

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As noted in Woodbridge's brief, "discovery from the plaintiffs in one case is not relevant to the claims and defenses asserted in the other matter." While we favor coordinating all cases by a single judge, we are unable to fully support this position at this time. First, we are unsure of how the Court will rule on Darocha's motion to remand before Judge Arleo. Second, depending upon the Court's ruling in the Darocha lawsuit, we intend to file a motion to consolidate the Darocha and Pinto lawsuits only. Finally, given that Linden is in Union County, it is respectfully requested that this matter remain in Newark for "the convenience of litigants, counsel and witnesses, and the place where the cause of action arose" pursuant to L.Civ.R. 40.1(a).

We are also filing this letter on behalf of Linden in Telliho matter, the other ten cases that are part of ATS and Redflex's motion to consolidate, and in the Pinto lawsuit although not added for consolidation/coordination purposes at this juncture. We are also serving courtesy copies on the Chief Judge, the Honorable Jerome B. Simandle, the Honorable Lois Goodman, U.S.M.J., and the district court and magistrate judges handling the Darocha and Pinto lawsuits.

Thank you for Your Honor's continued courteous attention to this matter.

Respectfully submitted,

s/ Michael A. D'Anton

MICHAEL A. D'ANTON  
For the Firm

C: Honorable Jerome B. Simandle, C.U.S.D.J.  
Honorable Susan B. Wigenton, U.S.D.J.  
Honorable William J. Martini, U.S.D.J.  
Honorable Lois Goodman, U.S.M.J.  
Honorable Madeline Cox Arleo, U.S.M.J.  
Honorable Mark Falk, U.S.M.J.  
(all via regular mail)  
All counsel of record (via ECF)